

BEFORE THE

# Federal Communications Commission

WASHINGTON, D.C. 20554

In re Petition of	)	CSR-_____E
	)	
	)	<b>PSID No. 004604</b>
<b>Time Warner Cable Inc.</b>	)	
For Determination of	)	Crothersville IN0387
Effective Competition	)	Jeffersonville IN0086

Chief, Media Bureau

## PETITION FOR SPECIAL RELIEF

Time Warner Cable Inc. (“Time Warner Cable”), by its attorneys, and pursuant to Sections 76.7, 76.905(b) and 76.907 of the Commission’s rules,<sup>1</sup> hereby petitions the Commission for a finding that Time Warner Cable’s cable television system serving the above-captioned communities (unless otherwise noted, individually “Franchise Area” and collectively “Franchise Areas”) is subject to effective competition<sup>2</sup> and therefore exempt from any rate regulation imposed pursuant to Section 623 of the Communications Act of 1934 (the “Act”).<sup>3</sup>

### I. TIME WARNER CABLE SATISFIES THE “50/15” OR “COMPETING PROVIDER TEST” IN THE FRANCHISE AREAS.

Pursuant to Section 623(a)(2) of the Act,

[i]f the Commission finds that a cable system is subject to effective competition, the rates for the provision of cable service by such

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<sup>1</sup> 47 C.F.R. §§ 76.7, 76.905(b), 76.907.

<sup>2</sup> Pursuant to Section 76.910 of the Commission’s rules, rate regulatory authority may be exercised only by a local franchising authority (“LFA”) that has been properly certified. 47 C.F.R. § 76.910. To the extent that any political subdivision covered by this petition is an LFA and has been certified to regulate rates in accordance with the Commission’s rules, Time Warner Cable respectfully requests that the Commission revoke such certification pursuant to Section 76.914(c). 47 C.F.R. § 76.914(c). To the extent that franchising responsibilities of any political subdivision covered by this petition have been reassigned to another governmental body, e.g., pursuant to legislation providing for state-issued franchises, then that political subdivision is no longer an LFA and obviously would no longer have rate regulatory authority. In such event, Time Warner Cable is nevertheless seeking an effective competition determination to achieve the full competitive flexibility associated therewith.

<sup>3</sup> 47 U.S.C. § 543. Time Warner Cable requests that, consistent with Commission precedent, any FCC grant of effective competition in the Franchise Areas be effective as of the date of filing of this petition. See, e.g., *Altrio Communications, Inc. v. Adelphia Communications Corporation*, 17 FCC Rcd 22955, ¶ 5 (Med. Bur. 2002) (Commission order released September 26, 2002 found that Adelphia was subject to effective competition in the Arcadia, California franchise area as of October 1, 2001).

system shall not be subject to regulation by the Commission or by a State or franchising authority under this section.<sup>4</sup>

The Act further provides that a cable system will be considered subject to effective competition (and therefore exempt from rate regulation) under the “50/15” or “Competing Provider” test if, *inter alia*, the franchise area is:

- (i) served by at least two unaffiliated multichannel video programming distributors each of which offers comparable video programming to at least 50 percent of the households in the franchise area; and
- (ii) the number of households subscribing to programming services offered by multichannel video programming distributors other than the largest multichannel video programming distributor exceeds 15 percent of the households in the franchise area.<sup>5</sup>

As demonstrated below, effective competition exists in the Franchise Areas because (1) competing multichannel video programming distributors (“MVPDs”), namely the direct-to-home (“DTH”) satellite providers DirecTV<sup>6</sup> and DISH Network<sup>7</sup> (collectively the “DBS Providers”) provide multichannel video services that are available to more than 50 percent of the households in such areas, and (2) competing MVPDs, namely the aforementioned DBS Providers, as well as the local incumbent telephone company AT&T Services Inc. (“AT&T”), provide multichannel video services that are subscribed to by more than 15 percent of the households in such areas.

**A. The DBS Providers Offer Comparable Multichannel Video Programming to More Than 50 Percent of the Households in the Franchise Areas.**

Under the first prong of the test, a franchise area must be served by “at least two unaffiliated multichannel video programming distributors.”<sup>8</sup> According to the Commission’s rules, an MVPD’s service is deemed to be “offered” for purposes of effective competition:

- (1) When the multichannel video programming distributor is physically able to deliver service to potential subscribers, with the addition of no or only minimal additional investment by the distributor, in order for an individual subscriber to

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<sup>4</sup> 47 U.S.C. § 543(a)(2).

<sup>5</sup> 47 U.S.C. § 543(l)(1)(B); *see also* 47 C.F.R. § 76.905(b)(2).

<sup>6</sup> DirecTV is a registered trademark of DirecTV, Inc.

<sup>7</sup> DISH Network is a registered trademark of EchoStar Communications Corporation.

<sup>8</sup> 47 U.S.C. § 543(l)(1)(B)(i); 47 C.F.R. § 76.905(b)(2)(i).

receive service; and (2) When no regulatory, technical or other impediments to households taking service exist, and potential subscribers in the franchise area are reasonably aware that they may purchase the services of the multichannel video programming distributor.<sup>9</sup>

As demonstrated below, the two DBS providers clearly “offer” service in the Franchise Areas under this definition.

**1. The DBS Providers are “Physically Able” to Offer Service to Subscribers in the Franchise Areas.**

The Commission has repeatedly determined that DBS service is technically available throughout the continental United States due to its nationwide satellite footprint.<sup>10</sup> Therefore, the DBS Providers are “physically able” to offer service to subscribers in the Franchise Areas.

**2. No Regulatory, Technical or Other Impediments to Households Taking the DBS Providers’ Services Exist.**

The DBS providers’ services are deemed to be technically available in a franchise area if the footprints of their satellites cover the franchise area and there are no local regulations prohibiting reception by home satellite dishes.<sup>11</sup> As noted above, DBS services have been determined by the Commission to be available throughout the United States. Time Warner Cable is aware of no zoning restrictions in the Franchise Areas that would prevent potential subscribers from placing a small dish on their houses or on their properties in order to receive DBS service. Indeed, it would appear that any such restriction would violate Section 207 of the Telecommunications Act of 1996 and Section 25.104 of the FCC’s rules promulgated thereunder.<sup>12</sup> Further, the DBS Providers do not need franchises to offer service to residents in the Franchise Areas. As such, there are no regulatory, technical or other impediments to households in the Franchise Areas taking the DBS Providers’ service.

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<sup>9</sup>47 C.F.R. § 76.905(e).

<sup>10</sup> See, e.g., *Bright House Networks, LLC, Petition for Determination of Effective Competition*, Memorandum Opinion and Order, 22 FCC Rcd 4390, ¶ 6 (Med. Bur. 2007) (“Bright House Networks”).

<sup>11</sup>*Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992: Rate Regulation*, 8 FCC Rcd 5631, ¶ 32 (1993) (“Rate Order”).

<sup>12</sup>Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996); see 47 C.F.R. § 25.104.

**3. Potential Subscribers in the Franchise Areas are “Reasonably Aware” That They May Purchase the DBS Providers’ Services.**

In light of the Commission’s prior findings regarding the ubiquitous availability of DBS service, and in recognition of the DBS Providers’ extensive national, regional and local advertising and marketing efforts through television and radio, Internet, print media and direct marketing, potential subscribers throughout the Franchise Areas are undoubtedly “reasonably aware” of the availability of the DBS Providers’ services.<sup>13</sup> In addition, the Commission has held that the DBS Providers’ extensive nationwide subscribership and growth in recent years, combined with a substantial local DTH penetration in such areas, is an accurate sign that potential subscribers within that franchise area are “reasonably aware” of the availability of the DBS Providers’ services.<sup>14</sup>

Here, the presence of numerous subscribers of the DBS Providers’ services in the Franchise Areas, as shown below, demonstrates that such individuals are all obviously aware of their ability to obtain service from a DBS Provider. Moreover, it is reasonable to assume the awareness of the availability of the DBS Providers’ services only continues to increase as additional DBS dishes are prominently installed throughout the Franchise Areas.

Because the three factors described above have been satisfied, the DBS Providers “offer” competing MVPD services in the Franchise Areas.

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<sup>13</sup> The DBS Providers maintain comprehensive websites, [www.dishnetwork.com](http://www.dishnetwork.com) and [www.directv.com](http://www.directv.com), where consumers can learn more about local retail outlets and how to buy the necessary equipment online or through a toll-free number. *See Rate Order* at n. 104 (“[W]e believe that regional or local marketing, such as by a national or regional 800 telephone number, would suffice.”). *See also id.* at ¶ 29; *Adelphia Cable Communications*, 20 FCC Rcd 20487, ¶ 6 (Med. Bur. 2005) (“*Adelphia Effective Competition Order*”) (There is “no reason to require needlessly fractionalized marketing in order to ensure that a national or regional programming service is available in a particular community... [P]otential subscribers may be made reasonably aware of the availability of a competing service... through advertising in regional or local media, direct mail, or *any other* marketing outlet” (citing *Rate Order* at ¶ 29) (emphasis in original)).

<sup>14</sup> Indeed, the Commission has “found households in a franchise area to be reasonably aware that they may purchase DBS service solely based on evidence of DBS’s nationwide growth and local subscriptions, without reference to advertising or other promotion.” *Bright House Networks* at ¶ 6 (referencing *Adelphia Communications, et al., Nineteen Unopposed Petitions for Determination of Effective Competition in Forty-Seven Local Franchise Areas*, Memorandum Opinion and Order, 20 FCC Rcd 7503, ¶ 3 (Med. Bur. 2005)).

**4. The DBS Providers Offer “Comparable Multichannel Video Programming” In the Franchise Areas.**

Effective competition exists where programming offered by an MVPD competitor is deemed “comparable” to the programming offered by the unaffiliated cable operator.<sup>15</sup> The programming offered by a competing MVPD is deemed “comparable” if it includes “at least 12 channels of video programming, including at least one channel of nonbroadcast service programming.”<sup>16</sup> The Commission’s decisions have repeatedly concluded that the DBS Providers satisfy § 76.905(g)’s comparable programming criterion.<sup>17</sup>

The programming offered by DirecTV and Dish Network, listings of which are available at [www.directv.com](http://www.directv.com) and [www.dishnetwork.com](http://www.dishnetwork.com),<sup>18</sup> includes many of the same popular nonbroadcast and broadcast programming services available on Time Warner Cable’s system serving the Franchise Areas. The DBS Providers’ programming lineups amply demonstrate that at least twelve channels of video programming are offered, including at least one channel of nonbroadcast programming service.<sup>19</sup> Thus, the DBS Providers offer “comparable” multichannel video programming, as defined by the Commission, to actual and potential subscribers in the Franchise Areas.

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<sup>15</sup> 47 U.S.C. § 543(l)(1)(B)(i).

<sup>16</sup> 47 C.F.R. § 76.905(g).

<sup>17</sup> See *ACC Cable Communications, FLA-VA, LLC*, 18 FCC Rcd 7110, ¶ 6 (Med. Bur. 2003) (Town of Lake Waccamaw and Town of Tabor City, North Carolina) (“...the Commission has repeatedly concluded that the programming of DBS providers, such as DIRECTV and Dish, satisfy the Commission’s [comparable] programming criterion”); *Adelphia Effective Competition Order* at ¶ 7 (“Because different sets of rules govern which stations cable operators and DBS service providers can or must carry, we have never insisted on absolute parity in station offerings. Instead, an MVPD offers ‘comparable programming’ if it offers ‘at least 12 channels of video programming, including at least one channel of nonbroadcast service programming’”); *Time Warner Entertainment-Advance/Newhouse Partnership*, 20 FCC Rcd 15709, n. 15 (Med. Bur. 2005) (Nineteen California Franchise Areas) (“the DBS providers offer well over 100 channels, most of which are non-broadcast channels,” which satisfies the comparable programming criterion).

<sup>18</sup> See *The Helicon Group, L.P.*, 17 FCC Rcd 16636, n. 8 (Med. Bur. 2002) (Barnet, Vermont) (“While Charter did not provide in its Petition a copy of EchoStar’s nationwide channel lineup, which is otherwise available at [www.dishnetwork.com](http://www.dishnetwork.com), we have consistently found that the programming of both DBS providers satisfies the programming compatibility component of the competing provider effective competition test.”).

<sup>19</sup> The DBS Providers satisfy the program comparability standard regardless of whether they provide local-into-local service to the Franchise Area. See *Falcon Teleicable*, 17 FCC Rcd 22842, ¶ 4 (Med. Bur. 2002) (Four Texas Communities) (“[T]he Commission’s effective competition program comparability standard does not include a local television programming component.”).

**5. The DBS Providers Offer Comparable Multichannel Video Programming to More Than 50 Percent of the Households in the Franchise Areas.**

As noted above, at least one MVPD unaffiliated with the incumbent cable operator must offer comparable video programming to at least 50 percent of the households in a franchise area for the first prong of the 50/15 effective competition test to be met.<sup>20</sup> In numerous effective competition decisions, the Commission has concluded that the two DBS Providers are deemed to satisfy this 50 percent threshold due to their nationwide satellite footprints.<sup>21</sup> Accordingly, since the DBS Providers offer comparable programming to greater than 50 percent of the households in the Franchise Areas, the first prong of the 50/15 effective competition test is satisfied.

**B. The Number of Households Subscribing to the Programming Services of Competing MVPDs Exceeds 15 Percent of the Households in All But One of the Franchise Areas.**

Under the second prong of the 50/15 test, the subscriber base of any MVPD or MVPDs, other than the largest MVPD, must exceed 15 percent of the households in a franchise area. As demonstrated below, Time Warner Cable’s cable system meets this threshold with respect to the Franchise Areas because competing MVPDs, including the DBS Providers and the local incumbent telephone company AT&T, provide multichannel video services that are collectively subscribed to by more than 15 percent of the households in each of the Franchise Areas.<sup>22</sup> Time Warner Cable is the largest MVPD in these Franchise Areas because it has the most video subscribers in the Franchise Areas.<sup>23</sup>

Turning first to the DBS providers’ subscribership, Time Warner Cable has used the ZIP+4 methodology previously approved by the Commission in numerous decisions to calculate the DBS

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<sup>20</sup> See 47 C.F.R. § 76.905(b)(2)(i).

<sup>21</sup> See note 9.

<sup>22</sup> The Commission’s rules provide that the subscribers of all MVPDs (other than the largest) serving the franchise area count toward the 15 percent penetration threshold under the second prong of the test, irrespective of whether they are each available to more than 50 percent of households in such franchise area. *See Time Warner Entertainment Co., L.P., et al. v. FCC*, 56 F.3d 151 (D.C. Cir. 1995) (holding that the subscribership of all MVPDs, other than the largest MVPD, may be aggregated to satisfy the 15 percent threshold). *See also* 47 C.F.R. § 76.905(f).

<sup>23</sup> See attached Declaration of Ed Kozelek, Regional Vice President of Governmental Relations – Midwest for Time Warner Cable.

REDACTED VERSION – DOES NOT CONTAIN PROPRIETARY INFORMATION – FOR PUBLIC INSPECTION

Providers' subscribership in each community.<sup>24</sup> Attached as Exhibit A is a report from Media Business Corp. ("MBC") which has identified all of the ZIP+4 zip codes that are encompassed, in whole or in part, by the Franchise Areas by using mapping software based on data derived from the U.S. Census Bureau and the U.S. Postal Service. Attached as Exhibit B is a report from the Satellite Broadcasting Communications Association ("SBCA"), which has been charged with the task of providing the required DBS Provider combined subscriber data for effective competition purposes, providing a total DBS Provider subscriber count Franchise Areas based on the identified ZIP+4 zip codes.

AT&T also provides multichannel video service in Jeffersonville under its Uverse brand.<sup>25</sup> Pursuant to Section 76.907(c) of the Commission's Rules, Time Warner Cable has requested and AT&T has provided its Uverse subscriber count for Jeffersonville,<sup>26</sup> and AT&T's count has been combined with the DBS Providers' count to calculate a total competing MVPD subscriber count for Jeffersonville.

In order to complete the penetration calculations, Time Warner Cable next obtained the Census 2010 occupied household figures for each of the Franchise Areas.<sup>27</sup> As demonstrated in the following table, combined competing MVPD subscriber penetration levels clearly exceed 15 percent of the occupied households in both Franchise Areas.

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<sup>24</sup> See, e.g., *Marcus Cable Associates, LLC d/b/a Charter Communications, Inc.*, DA 02-2174, 17 FCC Rcd 16652 (Media Bureau 2002) (Denton, Texas), aff'd 18 FCC Rcd 9762 (Media Bureau 2003); see also *Vicksburg Video, Inc. d/b/a Wehco Video, Inc.*, DA 02-2176, 17 FCC Rcd 16659 (Media Bureau 2002) (Vicksburg, Mississippi); *Kilgore Video, Inc. d/b/a Wehco Video, Inc.*, DA 02-2177, 17 FCC Rcd 16662 (Media Bureau 2002) (Kilgore, Texas); *Twelve Oregon Cities Order*.

<sup>25</sup> AT&T's channel lineup, which is also "comparable" Time Warner Cable's lineup, is attached as Exhibit C.

<sup>26</sup> See Response from AT&T at Exhibit D. AT&T provided its subscribership data for the Franchise Areas on the condition that Time Warner Cable seeks confidential treatment with respect to such information. Thus, Time Warner Cable submits this Petition with AT&T's unredacted subscriber figures, and the resultant overall penetration calculations, on a confidential basis. An additional version of this Petition with the sensitive information redacted is supplied for submission into the publicly available docket.

<sup>27</sup> 2010 Household Census Report attached as Exhibit E.

Community	DBS Provider Subscribership <sup>25</sup>	AT&T Uverse Subscribership	Combined MVPD Subscribership	2010 Census Occupied Households	Competing MVPD Penetration
Crothersville	211	NA	211	625	33.75%
Jeffersonville	2285	[REDACTED]	[REDACTED]	18500	[REDACTED]

Consequently, Time Warner Cable has demonstrated that the second prong of the 50/15 effective competition test has been met for each of the Franchise Areas.

Because Time Warner Cable meets both prongs of the 50/15 test in the Franchise Areas, its system serving such areas clearly faces effective competition.

## CONCLUSION

Because Time Warner Cable has demonstrated that it is subject to effective competition pursuant to Section 623(l)(1) of the Act and Section 76.905(b) of the Commission's rules for the above captioned Franchise Areas, Time Warner Cable respectfully requests that the Commission expeditiously find that Time Warner Cable's cable system serving the Franchise Areas is not subject to rate regulation as to basic cable service or other forms of rate regulation specified in 47 U.S.C. § 543 and revoke the LFAs' certification to regulate basic rates as appropriate.

Undersigned counsel has read the foregoing Petition, and to the best of such counsel's knowledge, information and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law, and is not interposed for any improper purpose.

Respectfully submitted,

**TIME WARNER CABLE INC.**

By: \_\_\_\_\_  
Craig A. Gilley

**EDWARDS WILDMAN PALMER LLP**  
1255 23rd Street, N.W.  
Eighth Floor  
Washington, D.C. 20037  
(202) 478-7370  
Its Attorneys

Dated: November 20, 2013

**DECLARATION**

I, Ed Kozelek, hereby declare under penalty of perjury that:

1. I am the Regional Vice President of Government Relations – Midwest for Time Warner Cable, the operator of the cable system that serves the specific Franchise Areas involved in the foregoing Petition for Special Relief (“Petition”).
2. I have read the foregoing Petition and am familiar with the contents thereof and the matters referred to therein.
3. I have reviewed Time Warner Cable’s respective cable subscriber numbers for each of the communities involved in the Petition, as well as the DBS subscriber numbers provided by SBCA and allocated to each as described in the Petition, and also the subscriber count for Jeffersonville provided by AT&T Services Inc. Time Warner Cable is the largest multichannel video program provider serving each of the Franchise Areas.
4. The facts contained within the Petition are true and correct to the best of my knowledge, information and belief.

Ed Kozelek  
Ed Kozelek

Date: 11/20/13

**EXHIBIT A**

**Media Business Corp. Zip Code Identification Report**

# **Franchise & ZIP+4 Identification**

## Data Documentation

**Franchise:** Cable operator's franchised service area

**Franchise boundary file vintage :** County Sep 2012 (source : Dynamap), MCD Sep 2012 (source : Dynamap), Place Sep 2012 (source : Dynamap)  
*Vintage is the currency of the data as of a specific date and does not correspond exactly to the time of product release because of data-to-product production time.*

**FIPS:** One of a series of codes, issued by the National Institute of Standards and Technology (NIST), assigned for the purpose of ensuring uniform identification of geographic entities throughout all Federal Government programs and agencies.

Each officially recognized Census place has its own unique 5-10 digit identifier. For more information, please see  
<http://www.census.gov/geo/www/fips/fips.html>.

**County:** Census county in which the franchise resides

**State:** State in which the franchise resides

**ZIP:** United States Postal Service 5-digit ZIP code that covers, either in whole or in part, the cable operator's franchise area.

**ZIP Code boundary file vintage :** Dec 2012 (source : Dynamap)

*Vintage is the currency of the data as of a specific date and does not correspond exactly to the time of product release because of data-to-product production time.*

**PLUS4:** USPS +4 extension to the 5-digit ZIP code. Using geocoding technology, and using only +4s that could be determined to be entirely within the cable operator's franchise area, MBC determined that each of the ZIP+4s on the tab(s) included in this repo

**ZIP4:** 5-Digit USPS ZIP code and 4-digit extension.

**ZIP+4 boundary file vintage :** Dec 2012 (source : Dynamap)

*Vintage is the currency of the data as of a specific date and does not correspond exactly to the time of product release because of data-to-product production time.*

**USPS Record Type:** H - high-rise; F - firm; S - street; R - rural route/highway contract; P - post office box; G - general delivery.

\* Type H Records (High Rises, Buildings, Apartments) are assigned a ZIP+4 centroid based on the actual address. If a ZIP+4 centroid cannot be assigned, a ZIP+2 or 5-digit ZIP centroid is assigned.

\* Type F Records (Firms) are assigned a ZIP+4 centroid based on the actual address. If a ZIP+4 centroid cannot be assigned, a ZIP+2 or 5-digit centroid is assigned.

\* Type S Records (Streets) are assigned a ZIP+4 centroid that falls on an address range. If a ZIP+4 centroid cannot be assigned, a ZIP+2 or 5-digit centroid is assigned.

\* Type R Records (Rural Routes) are assigned ZIP+2 centroids if possible. In cases where this is not possible, a 5-digit centroid is assigned.

\* Type P (P.O. Box) and Type G (General Delivery Records) are assigned a 5-digit centroid.

**Centroid Type:** Each record includes a centroid type code that indicates whether the ZIP+4 has been assigned a ZIP+4, ZIP+2 or 5-digit ZIP centroid.

\* ZIP+4 - 1

\* ZIP+2 - 2

\* 5-digit ZIP - 3

\* None - 0

**Census 2010 HHS:** Count of Census 2010 households by community. For Counties and Minor Civil Divisions (MCDs), HHS reflect count of community minus any incorporated areas within the larger franchise.







Jeffersonville	Clark	IN	47130 3484	471303484
Jeffersonville	Clark	IN	47130 3485	471303485
Jeffersonville	Clark	IN	47130 3486	471303486
Jeffersonville	Clark	IN	47130 3487	471303487
Jeffersonville	Clark	IN	47130 3488	471303488
Jeffersonville	Clark	IN	47130 3489	471303489
Jeffersonville	Clark	IN	47130 3490	471303490
Jeffersonville	Clark	IN	47130 3491	471303491
Jeffersonville	Clark	IN	47130 3492	471303492
Jeffersonville	Clark	IN	47130 3493	471303493
Jeffersonville	Clark	IN	47130 3494	471303494
Jeffersonville	Clark	IN	47130 3495	471303495
Jeffersonville	Clark	IN	47130 3496	471303496
Jeffersonville	Clark	IN	47130 3497	471303497
Jeffersonville	Clark	IN	47130 3498	471303498
Jeffersonville	Clark	IN	47130 3499	471303499
Jeffersonville	Clark	IN	47130 3500	471303500
Jeffersonville	Clark	IN	47130 3501	471303501
Jeffersonville	Clark	IN	47130 3502	471303502
Jeffersonville	Clark	IN	47130 3503	471303503
Jeffersonville	Clark	IN	47130 3504	471303504
Jeffersonville	Clark	IN	47130 3505	471303505
Jeffersonville	Clark	IN	47130 3506	471303506
Jeffersonville	Clark	IN	47130 3507	471303507
Jeffersonville	Clark	IN	47130 3508	471303508
Jeffersonville	Clark	IN	47130 3509	471303509
Jeffersonville	Clark	IN	47130 3510	471303510
Jeffersonville	Clark	IN	47130 3511	471303511
Jeffersonville	Clark	IN	47130 3512	471303512
Jeffersonville	Clark	IN	47130 3513	471303513
Jeffersonville	Clark	IN	47130 3514	471303514
Jeffersonville	Clark	IN	47130 3515	471303515
Jeffersonville	Clark	IN	47130 3516	471303516
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Jeffersonville	Clark	IN	47130 3523	471303523
Jeffersonville	Clark	IN	47130 3524	471303524
Jeffersonville	Clark	IN	47130 3525	471303525
Jeffersonville	Clark	IN	47130 3526	471303526
Jeffersonville	Clark	IN	47130 3527	471303527
Jeffersonville	Clark	IN	47130 3528	471303528
Jeffersonville	Clark	IN	47130 3529	471303529
Jeffersonville	Clark	IN	47130 3530	471303530
Jeffersonville	Clark	IN	47130 3531	471303531
Jeffersonville	Clark	IN	47130 3532	471303532
Jeffersonville	Clark	IN	47130 3533	471303533
Jeffersonville	Clark	IN	47130 3534	471303534
Jeffersonville	Clark	IN	47130 3535	471303535
Jeffersonville	Clark	IN	47130 3536	471303536
Jeffersonville	Clark	IN	47130 3537	471303537
Jeffersonville	Clark	IN	47130 3538	471303538
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Jeffersonville	Clark	IN	47130 3540	471303540
Jeffersonville	Clark	IN	47130 3541	471303541



























Jeffersonville	Clark	IN	47130 9788	471309788
Jeffersonville	Clark	IN	47130 9789	471309789
Jeffersonville	Clark	IN	47130 9790	471309790
Jeffersonville	Clark	IN	47130 9791	471309791
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Jeffersonville	Clark	IN	47130 9793	471309793
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Jeffersonville	Clark	IN	47130 9800	471309800
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Jeffersonville	Clark	IN	47130 9991	471309991
Jeffersonville	Clark	IN	47130 9992	471309992
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Jeffersonville	Clark	IN	47131 0616	471310616
Jeffersonville	Clark	IN	47131 0700	471310700
Jeffersonville	Clark	IN	47131 0800	471310800
Jeffersonville	Clark	IN	47131 0900	471310900
Jeffersonville	Clark	IN	47131 1000	471311000
Jeffersonville	Clark	IN	47131 1100	471311100
Jeffersonville	Clark	IN	47131 1200	471311200
Jeffersonville	Clark	IN	47131 1300	471311300
Jeffersonville	Clark	IN	47131 1400	471311400
Jeffersonville	Clark	IN	47131 1500	471311500
Jeffersonville	Clark	IN	47131 1600	471311600
Jeffersonville	Clark	IN	47131 2000	471312000
Jeffersonville	Clark	IN	47131 2100	471312100
Jeffersonville	Clark	IN	47131 2200	471312200
Jeffersonville	Clark	IN	47131 2300	471312300
Jeffersonville	Clark	IN	47131 2400	471312400
Jeffersonville	Clark	IN	47131 2500	471312500
Jeffersonville	Clark	IN	47131 2600	471312600
Jeffersonville	Clark	IN	47131 2700	471312700
Jeffersonville	Clark	IN	47131 2800	471312800
Jeffersonville	Clark	IN	47131 2900	471312900
Jeffersonville	Clark	IN	47131 3000	471313000
Jeffersonville	Clark	IN	47131 3100	471313100
Jeffersonville	Clark	IN	47131 3200	471313200
Jeffersonville	Clark	IN	47131 3300	471313300
Jeffersonville	Clark	IN	47131 3400	471313400
Jeffersonville	Clark	IN	47131 3500	471313500
Jeffersonville	Clark	IN	47131 3800	471313800
Jeffersonville	Clark	IN	47131 4000	471314000
Jeffersonville	Clark	IN	47131 4100	471314100
Jeffersonville	Clark	IN	47131 4200	471314200
Jeffersonville	Clark	IN	47131 4300	471314300
Jeffersonville	Clark	IN	47131 4400	471314400
Jeffersonville	Clark	IN	47131 4500	471314500
Jeffersonville	Clark	IN	47131 5600	471315600

1043.9

**EXHIBIT B**

**SBCA Effective Competition Tracking Reports**

## ECTR – Effective Competition Tracking Report



Provided by  
Satellite Broadcasting and Communications Association

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Pursuant to Section 76.907(c) of the FCC Rules, and your effective competition tracking request dated November 8, 2013 please find the following Direct-to-Home (DTH) satellite subscriber numbers per zip code (and/or zip+4 where necessary). The provision and use of this Effective Competition Tracking Report is governed by and subject to the terms and conditions of the Agreement for Provision and Use of Confidential Data, between your company and SBCA.

Report Date: November 11, 2013

ZIP Codes	DTH Count
Requested total for Crothersville, IN	211

Data is current through 9/30/2013

Report Prepared by:  
Martin Esteves  
Manager, Membership and Data Management  
202-349-3630  
mesteves@sbc.org

Methodology: Direct-To-Home (DTH) subscriber data reflects aggregated DIRECTV and DISH Network residential subscriber totals. The following data collection procedures are applied by Members in the normal course of business: a) single accounts with multiple receivers are only counted once; b) commercial and test accounts are not included; c) each occupied unit served in a multiple dwelling unit building has been counted as a separate residential subscriber; d) zip codes are taken from service locations (not billing addresses, where different); e) inactive accounts are routinely removed; f) invalid (undeliverable) addresses have been corrected where known; g) courtesy or complimentary accounts are included; and h) zip code information for Members' subscribers is periodically updated to reflect changes to zip codes by the United States Postal Service.

## ECTR – Effective Competition Tracking Report



Provided by  
Satellite Broadcasting and Communications Association

---

Pursuant to Section 76.907(c) of the FCC Rules, and your effective competition tracking request dated November 8, 2013 please find the following Direct-to-Home (DTH) satellite subscriber numbers per zip code (and/or zip+4 where necessary). The provision and use of this Effective Competition Tracking Report is governed by and subject to the terms and conditions of the Agreement for Provision and Use of Confidential Data, between your company and SBCA.

Report Date: November 11, 2013

ZIP Codes	DTH Count
Requested total for Jeffersonville, IN	2285

Data is current through 9/30/2013

Report Prepared by:  
Martin Esteves  
Manager, Membership and Data Management  
202-349-3630  
mesteves@sbc.org

Methodology: Direct-To-Home (DTH) subscriber data reflects aggregated DIRECTV and DISH Network residential subscriber totals. The following data collection procedures are applied by Members in the normal course of business: a) single accounts with multiple receivers are only counted once; b) commercial and test accounts are not included; c) each occupied unit served in a multiple dwelling unit building has been counted as a separate residential subscriber; d) zip codes are taken from service locations (not billing addresses, where different); e) inactive accounts are routinely removed; f) invalid (undeliverable) addresses have been corrected where known; g) courtesy or complimentary accounts are included; and h) zip code information for Members' subscribers is periodically updated to reflect changes to zip codes by the United States Postal Service.

**EXHIBIT C**

**AT&T Channel Lineup**

# AT&T U-verse Channel Lineup

Residential Packages in 47130: Change | As of: November 19, 2013

Show only:

[Shop U-verse ▶](#)[Print](#)

Search by channel names

Ex.: CNN, Cartoon, ESPN [\(7\)](#) [Reset](#)[Clear comparisons](#)**Compare TV Packages**

Create your own side-by-side comparison.

[Select to Compare](#)

Use these filters to customize your view.

[Clear filters](#)**Filter by Category****Favorites [\(7\)](#)**

HD

Movies

Sports

News

Local

Educational

**Filter by Premium Package**

Movie Pkgs.

Sports Pkgs.

International Pkgs.

		Compare Packages	U450	U300	U200	U-family	U-basic
		What are "Optional" channels? View details	\$121/mo. up to 450 channels	\$89/mo. up to 370 channels	\$74/mo. up to 290 channels	\$59/mo. up to 130 channels	\$19/mo. local channels
#	Channels	View	View	View	View	View	View
3 WAVE	WAVE-3 (NBC)	✓	✓	✓	✓	✓	✓
10 HSN	Home Shopping Network (HSN)	✓	✓	✓	✓	✓	
11 WHAS	WHAS-11 (ABC)	✓	✓	✓	✓	✓	✓
12 QVC	QVC	✓	✓	✓	✓	✓	
15 WKPC	WKPC-15 (PBS)	✓	✓	✓	✓	✓	✓
21 WBNA	WBNA-21 (ION)	✓	✓	✓	✓	✓	✓
24 WKYICD	WKYI-CD-24 (IND)	✓	✓	✓	✓	✓	✓
27 SHPNBC	ShopNBC	✓	✓	✓	✓	✓	
28 WBKI	WBKI-CA-28 (THE CW)	✓	✓	✓	✓	✓	✓
32 WLKY	WLKY-32 (CBS)	✓	✓	✓	✓	✓	✓
37 ASO TV	As Seen On TV	✓	✓	✓	✓	✓	
41 WDRB	WDRB-41 (FOX)	✓	✓	✓	✓	✓	✓
58 WMYO	WMYO-58 (MY NETWORK TV)	✓	✓	✓	✓	✓	✓
81 APP	Amex-Explore Play Learn	✓	✓	✓	✓	✓	✓
82 ValuTV	Valu TV	✓	✓	✓	✓	✓	

84 USHOP1	AT&T U-verse Shopping 1	✓	✓	✓	✓	
85 APP	Home Chef TV! Reinventing Meals!	✓	✓	✓	✓	✓
86 APP	Thanksgiving Recipes and Tips	✓	✓	✓	✓	✓
87 APP	The new Porsche Panamera	✓	✓	✓	✓	✓
88 APP	LifeLock	✓	✓	✓	✓	✓
89 APP	Refinance with no closing costs!	✓	✓	✓	✓	✓
93 APP	U-verse Games Channel	Optional	Optional	Optional		
96 APP	Karaoke TV App	Optional	Optional	Optional		
100 FRTROW	AT&T U-verse Front Row	✓	✓	✓	✓	✓
101 PPVSCH	AT&T Pay Per View Schedule	✓	✓	✓	✓	✓
108 TNT	TNT (Turner Network Television)	✓	✓	✓		
109 TNT-W	TNT (Turner Network Television) - West	✓	✓	✓		
112 TBS	TBS	✓	✓	✓		
113 TBS-W	TBS - West	✓	✓	✓		
118 SMTH	Smithsonian Channel	✓	✓			
120 DSC	Discovery Channel	✓	✓	✓	✓	
124 USA	USA Network	✓	✓	✓		
128 FXX	FX	✓	✓	✓		

129 FX	FX Network	✓	✓	✓		
132 A&E	A&E	✓	✓	✓		
134 EI	EI Entertainment Television	✓	✓	✓		
138 TVLD	TV Land	✓	✓	✓		
140 COM	Comedy Central	✓	✓	✓		
145 SPKE	Spike TV	✓	✓	✓		
149 G4	G4	✓	✓	✓		
151 Syfy	Syfy	✓	✓	✓		
153 CHILL	Chiller	✓	✓	✓		
165 BET	BET (Black Entertainment Television)	✓	✓	✓		
167 TV 1	TV One	✓	✓	✓		
161 CLOO	cloo	✓	✓	✓		
163 CIN	Crime & Investigation Network	✓	✓	✓		
164 TRU	truTV	✓	✓	✓		
165 TRU-W	truTV - West	✓	✓	✓		
166 JC	Justice Central	✓	✓	✓	✓	
170 OWN	OWN - Oprah Winfrey Network	✓	✓	✓		
171 APP	Interactive Workout	✓	✓	✓	✓	✓

173 GSN	GSN - Game Show Network	✓	✓	✓		
178 FAM	ABC Family Channel	✓	✓	✓		
180 WGN	WGN America	✓	✓	✓		✓
181 BRAVO	Bravo	✓	✓	✓		
182 nuvoTV	nuvoTV	✓	✓	✓		
183 LOGO	LOGO	✓	✓	✓		
188 BBCA	BBC America	✓	✓	✓		
191 TLNOV	tinovelas	Optional	Optional	Optional		
192 MUN2	mun2	✓	✓	✓		
196 BUYIT	Buylt	✓	✓	✓		✓
197 JWLT	Jewelry Television	✓	✓	✓		✓
198 USHOP4	AT&T U-verse Shopping 4	✓	✓	✓		✓
199 APP	Offers On Demand	✓	✓	✓	✓	✓
200 MOVIES	AT&T U-verse Movies	✓	✓	✓	✓	✓
201 APP	News Multiview	✓	✓	✓	✓	✓
202 CNN	CNN (Cable News Network)	✓	✓	✓		
203 HLN	CNN Headline News	✓	✓	✓		
205 CNNI	CNNI (CNN International)	✓	✓			

206 FUSION	Fusion	✓	✓	✓	
210 FNC	FOX News Channel	✓	✓	✓	
211 FBN	Fox Business Network	✓	✓	✓	
215 mnbc	MSNBC	✓	✓	✓	
216 CNBC	CNBC	✓	✓	✓	✓
217 CNBCW	CNBC World	✓	✓		
218 APP	CNBC Application	✓	✓	✓	✓
222 BLOOM	Bloomberg Television	✓	✓	✓	✓
225 WEATH	The Weather Channel	✓	✓	✓	✓
227 APP	Weather On Demand	✓	✓	✓	✓
228 BUY TV	BUY TV	✓	✓	✓	✓
230 CSPAN1	C-SPAN	✓	✓	✓	✓
231 CSPAN2	C-SPAN2	✓	✓	✓	✓
232 CSPAN3	C-SPAN3	✓	✓	✓	✓
247 BUYIT2	BuyIt2	✓	✓	✓	✓
250 TLC	TLC	✓	✓	✓	
252 APL	Animal Planet	✓	✓	✓	✓
264 TRVL	Travel Channel	✓	✓	✓	

<b>266 HIST</b>	History	✓	✓	✓	✓	✓	✓
<b>267 H2</b>	H2	✓	✓	✓	✓		
<b>268 SCI</b>	Science	✓	✓	✓	✓	✓	
<b>269 MIL</b>	Military Channel	✓	✓	✓	✓		
<b>280 ID</b>	Investigation Discovery	✓	✓	✓	✓		
<b>264 NASA</b>	NASA TV	✓	✓				
<b>265 NGC</b>	National Geographic Channel	✓	✓	✓	✓	✓	
<b>266 NGW</b>	Nat Geo WILD	✓	✓	✓	✓		
<b>272 BIO</b>	BIO	✓	✓	✓	✓		
<b>276 MHC</b>	Military History Channel	✓	✓	✓	✓		
<b>288 APP</b>	ESPN College GameDay Outtakes & Chevy	✓	✓	✓	✓	✓	✓
<b>300 BUZZ</b>	AT&T U-verse Buzz	✓	Optional	Optional	Optional	Optional	Optional
<b>301 APP</b>	Kids Multiview	✓	✓	✓	✓	✓	✓
<b>302 DIS</b>	Disney Channel	✓	✓	✓	✓	✓	
<b>304 DISXD</b>	Disney XD	✓	✓	✓	✓	✓	
<b>306 DIS JR</b>	Disney Jr	✓	✓	✓	✓		
<b>310 BF</b>	Baby First TV	✓	✓			✓	
<b>314 NICK</b>	Nickelodeon	✓	✓	✓	✓	✓	

<b>316 NICK2</b>	Nick2	✓	✓	✓	✓
<b>318 NKTN</b>	Nicktoons	✓	✓	✓	✓
<b>320 NKJR</b>	Nick Jr.	✓	✓	✓	✓
<b>322 TNCK</b>	TeenNick	✓	✓	✓	✓
<b>325 TOON</b>	Cartoon Network	✓	✓	✓	
<b>326 TOON-W</b>	Cartoon Network - West	✓	✓	✓	
<b>327 BOOM</b>	Boomerang	✓	✓	✓	✓
<b>328 qubo</b>	qubo	✓	✓	Optional	✓
<b>330 BABY</b>	Baby TV	✓	✓	✓	✓
<b>335 HUB</b>	The Hub	✓	✓	✓	✓
<b>337 SPROUT</b>	Sprout	✓	✓		✓
<b>340 SMILE</b>	Smile of a Child TV	✓	✓	✓	✓
<b>345 APP</b>	Tumblebooks	✓	✓	✓	✓
<b>360 LIFE</b>	Lifetime Television	✓	✓	✓	
<b>362 LMN</b>	LMN	✓	✓	✓	
<b>364 LRW</b>	Lifetime Real Women	✓			
<b>365 SOAP</b>	SOAPnet	✓	✓	✓	
<b>367 tvMall</b>	tvMall	✓	✓	✓	✓

368 OXGN	Oxygen	✓	✓	✓		
372 WE	WE	✓	✓	✓		
380 ESQ	Esquire Network	✓	✓	✓		
386 OVA	Ovation	✓	✓			
399 LC	Liquidation Channel	✓	✓	✓	✓	
400 ATTN	Customer Notification	✓	✓	✓	✓	✓
401 APP	All About U-verse Interactive Channel	✓	✓	✓	✓	✓
412 APP	Shopping Multiview	✓	✓	✓	✓	✓
420 QVC	QVC	✓	✓	✓	✓	
422 HSN	Home Shopping Network (HSN)	✓	✓	✓	✓	
423 APP	HSN Shop by Remote	✓	✓	✓	✓	✓
424 SHPNBC	ShopNBC	✓	✓	✓	✓	
428 JWLT	Jewelry Television	✓	✓	✓	✓	
429 USHOP4	AT&T U-verse Shopping	✓	✓	✓	✓	
450 HGTV	Home & Garden Television (HGTV)	✓	✓	✓	✓	
452 FOOD	Food Network	✓	✓	✓	✓	
454 DIY	DIY Network (Do-it-Yourself Network)	✓	✓	✓	✓	
456 COOK	Cooking Channel	✓	✓	✓		

<b>457 APP</b>	Food Network Application	✓	✓	✓	✓
<b>465 DAM</b>	Destination America	✓	✓		
<b>466 DFH</b>	Discovery Fit & Health	✓	✓		
<b>468 ION L</b>	ION Life	✓	✓		
<b>470 AWE</b>	AWE	✓	✓	✓	
<b>471 tvMall</b>	tvMall	✓	✓	✓	✓
<b>500 APP</b>	MC Music Choice	✓	✓	✓	✓
<b>501 MCPLAY</b>	Music Choice Play	✓	✓	✓	✓
<b>502 MTV</b>	MTV (Music Television)	✓	✓	✓	
<b>504 MTV2</b>	MTV2	✓	✓	✓	
<b>506 TR3S</b>	Tr3s	✓	✓		Optional
<b>508 MTVJ</b>	MTV Jams	✓	✓		
<b>509 MTVH</b>	MTV Hits	✓	✓		
<b>510 MTVU</b>	mtvU	✓	✓		
<b>515 CENTRIC</b>	Centric	✓	✓	✓	
<b>516 BETG</b>	BET Gospel	✓	✓		
<b>518 VH1</b>	VH1	✓	✓	✓	
<b>520 VH1C</b>	VH1 Classic	✓	✓	✓	

522 VH1S	VH1 Soul	✓	✓			
625 CMT	CMT (Country Music Television)	✓	✓	✓	✓	
527 CMT PC	CMT Pure Country	✓	✓		✓	
529 GAC	Great American Country (GAC)	✓	✓	✓		
530 APP	Country Deep	✓	✓	✓	✓	✓
535 FUSE	fuse	✓	✓	✓		
560 TBN	TBN - Trinity Broadcasting Network	✓	✓	✓	✓	
562 EWTN	Eternal Word Television Network (EWTN)	✓	✓	✓	✓	
563 DAYSTR	Daystar	✓	✓	✓	✓	
564 INSP	INSP (Inspiration Network)	✓	✓	✓	✓	
565 TCC	The Church Channel	✓	✓	✓	✓	
566 FAMNET	FamilyNet	✓	✓	✓	✓	
567 BYU	BYU	✓	✓	✓	✓	
570 JCTV	JCTV	✓	✓	✓	✓	
576 WORD	The Word Network	✓	✓	✓	✓	
578 FETV	Family Entertainment TV	✓	✓	✓	✓	
580 SBN	SonLife Broadcasting Network	✓	✓	✓	✓	
600 SPORTS	AT&T U-verse Sports	✓	✓	✓	✓	✓

<b>601 APP</b>	Sports Multiview	✓	✓	✓	✓	✓
<b>602 ESPN</b>	ESPN	✓	✓	✓		
<b>603 ECL</b>	ESPN Classic	✓	✓	✓		
<b>604 ESN</b>	ESPNEWS	✓	✓	✓		
<b>605 ESPU</b>	ESPNU	✓	✓	✓		
<b>606 ESPN2</b>	ESPN2	✓	✓	✓		
<b>609 LHN</b>	Longhorn Network	✓				
<b>620 APP</b>	ESPN GamePlan Multiview	Optional	Optional	Optional		
<b>621 APP</b>	ESPN Full Court Multiview	Optional	Optional	Optional		
<b>630 NFLNet</b>	NFL Network	✓	✓	✓		
<b>632 NBA</b>	NBA TV	✓	✓			
<b>634 MLB</b>	MLB Network	✓	✓			
<b>640 NBCSPT</b>	NBC Sports Network	✓	✓	✓		
<b>641 GOLF</b>	Golf Channel	✓	✓	✓		
<b>642 SPMN</b>	Sportsman Channel	✓	Optional	Optional		
<b>643 CBSSN</b>	CBS Sports Network	✓	Optional	Optional		
<b>647 FCSA</b>	Fox College Sports - Atlantic	✓	Optional	Optional		
<b>648 FCSC</b>	Fox College Sports - Central	✓	Optional	Optional		

649 FCSP	Fox College Sports - Pacific	✓	Optional	Optional
650 BTN	BTN	✓	✓	✓
651 FS2	FOX Sports 2	✓	✓	✓
652 FS1	FOX Sports 1	✓	✓	✓
655 FOXDEP	FOX Deportes	✓	✓	Optional
656 GOL TV	GolTV	Optional	Optional	Optional
658 UNIDEP	Univision Deportes	✓	✓	Optional
660 TENNIS	The Tennis Channel	✓	✓	
662 BEINSP	beIN Sports	✓	Optional	Optional
663 BEINEP	beIN Sports Espanol	✓	Optional	Optional
664 BEIN3D	beIN Sports 3D	✓	Optional	Optional
670 TVG	TVG Network	✓	Optional	Optional
672 HRTV	HRTV	✓	Optional	Optional
680 OUT	Outdoor Channel	✓	Optional	Optional
691 ALT1	Sports Alternate 1	✓	✓	✓
692 ALT2	Sports Alternate 2	✓	✓	✓
693 ALT3	Sports Alternate 3	✓	✓	✓
694 ALT4	Sports Alternate 4	✓	✓	✓

695 ALT5	Sports Alternate 5	✓	✓	✓		
696 ALT6	Sports Alternate 6	✓	✓	✓		
697 ALT7	Sports Alternate 7	✓	✓	✓		
732 FSOHCl	FSN Ohio-Cincinnati	✓	✓	✓		
748 FSMW-S	FSN Midwest - St Louis	✓	✓	✓		
749 FSMW-I	FSN Midwest - Indianapolis	✓	✓	✓		
750 FSMW-K	FSN Midwest - Kansas City	✓	✓	✓		
759 P12N	Pac-12 Network	✓	Optional	Optional		
760 P12BAY	Pac-12 Bay Area	✓	Optional	Optional		
761 P12LA	Pac-12 Los Angeles	✓	Optional	Optional		
790 TCM	Turner Classic Movies (TCM)	✓	✓	✓		
792 FXM	FX Movie Channel	✓	✓	✓		
794 APP	Movie Sponsored Service	✓	✓	✓	✓	✓
795 AMC	AMC	✓	✓	✓		
797 IFC	IFC	✓	✓	✓		
798 SUND	Sundance Channel	✓	✓	✓		
799 REELZ	ReelzChannel	✓	✓			
800 UVSHOW	U-verse Showcase	✓	✓	✓	✓	✓

802 HBO	HBO (Home Box Office)	<input checked="" type="checkbox"/>	Optional	Optional	
803 HBO-W	HBO (Home Box Office) - West	<input checked="" type="checkbox"/>	Optional	Optional	
804 HBO2	HBO2	<input checked="" type="checkbox"/>	Optional	Optional	
805 HBO2-W	HBO2 - West	<input checked="" type="checkbox"/>	Optional	Optional	
806 HBOFAM	HBO Family	<input checked="" type="checkbox"/>	Optional	Optional	
807 HBOF-W	HBO Family - West	<input checked="" type="checkbox"/>	Optional	Optional	
808 HBOSIG	HBO Signature	<input checked="" type="checkbox"/>	Optional	Optional	
809 HBOS-W	HBO Signature - West	<input checked="" type="checkbox"/>	Optional	Optional	
810 HBOCOM	HBO Comedy	<input checked="" type="checkbox"/>	Optional	Optional	
811 HBOC-W	HBO Comedy - West	<input checked="" type="checkbox"/>	Optional	Optional	
812 HBOZNE	HBO Zone	<input checked="" type="checkbox"/>	Optional	Optional	
813 HBOZ-W	HBO Zone - West	<input checked="" type="checkbox"/>	Optional	Optional	
814 HBOLAT	HBO Latino	<input checked="" type="checkbox"/>	Optional	Optional	
815 HBOL-W	HBO Latino - West	<input checked="" type="checkbox"/>	Optional	Optional	
832 MAX	Cinemax	<input checked="" type="checkbox"/>	Optional	Optional	
833 MAX-W	Cinemax - West	<input checked="" type="checkbox"/>	Optional	Optional	
834 MORMAX	MoreMAX	<input checked="" type="checkbox"/>	Optional	Optional	
835 MORM-W	MoreMAX - West	<input checked="" type="checkbox"/>	Optional	Optional	

<b>836 ACTMAX</b>	ActionMAX	✓	Optional	Optional
<b>837 ACTM-W</b>	ActionMAX - West	✓	Optional	Optional
<b>838 THRMAX</b>	ThrillerMAX	✓	Optional	Optional
<b>839 THRM-W</b>	ThrillerMAX - West	✓	Optional	Optional
<b>840 6STAR</b>	5StarMAX	✓	Optional	Optional
<b>842 MOVIEAM</b>	MovieMAX	✓	Optional	Optional
<b>844 OUTMAX</b>	OuterMAX	✓	Optional	Optional
<b>846 MXLAT</b>	MAX Latino	✓	Optional	Optional
<b>852 SHO</b>	Showtime	✓	✓	Optional
<b>853 SHO-W</b>	Showtime - West	✓	✓	Optional
<b>854 SHO2</b>	Showtime Too	✓	✓	Optional
<b>855 SHO2-W</b>	Showtime Too - West	✓	✓	Optional
<b>856 SHOCSE</b>	Showtime Showcase	✓	✓	Optional
<b>857 SHOCSW</b>	Showtime Showcase - West	✓	✓	Optional
<b>858 SHOEXT</b>	Showtime Extreme	✓	✓	Optional
<b>859 SHOEXW</b>	Showtime Extreme - West	✓	✓	Optional
<b>860 SHOBYD</b>	Showtime Beyond	✓	✓	Optional
<b>862 SHOFAM</b>	Showtime Family Zone	✓	✓	Optional

<b>864 SHONXT</b>	Showtime Next	✓	✓	Optional
<b>866 SHOWM</b>	Showtime Women	✓	✓	Optional
<b>882 TMC</b>	The Movie Channel (TMC)	✓	✓	Optional
<b>883 TMC-W</b>	The Movie Channel (TMC) - West	✓	✓	Optional
<b>884 TMCXTR</b>	TMC Xtra	✓	✓	Optional
<b>885 TMCXTW</b>	TMC Xtra - West	✓	✓	Optional
<b>890 FLIX</b>	FLIX	✓	✓	Optional
<b>902 STRZ</b>	Starz	✓	✓	Optional
<b>903 STRZ-W</b>	Starz - West	✓	✓	Optional
<b>904 STRZED</b>	Starz Edge	✓	✓	Optional
<b>906 STRZBK</b>	Starz inBlack	✓	✓	Optional
<b>908 STRZCN</b>	Starz Cinema	✓	✓	Optional
<b>909 MPLEX</b>	Starz Movieplex	✓	✓	
<b>910 STRZCM</b>	Starz Comedy	✓	✓	Optional
<b>912 STRZKF</b>	Starz Kids & Family	✓	✓	Optional
<b>914 INDIE</b>	IndiePlex	✓	✓	Optional
<b>916 RETRO</b>	RetroPlex	✓	✓	Optional
<b>932 ENC</b>	Encore	✓	✓	Optional

933 ENC-W	Encore - West	✓	✓	Optional		
934 ENCLOV	Encore Love	✓	✓	Optional		
936 ENCSUS	Encore Suspense	✓	✓	Optional		
938 ENCACT	Encore Action	✓	✓	Optional		
940 ENCWES	Encore Westerns	✓	✓	Optional		
942 ENCORA	Encore Drama	✓	✓	Optional		
943 ENC ES	Encore Espanol	✓	✓	Optional		
944 ENCFAM	Encore Family	✓	✓	Optional		
945 MOVIES	AT&T U-verse Movies	✓	✓	✓	✓	✓
952 PLBY	Playboy TV	Optional	Optional	Optional		
953 PLBYHD	HD Playboy TV HD	Optional	Optional	Optional		
954 PLBYSI	Playboy TV en Espanol	Optional	Optional	Optional		
960 MOVIES	AT&T U-verse Movies	✓	✓	✓	✓	✓
961 BUZZ	HD AT&T U-verse Buzz	✓	Optional	Optional	Optional	Optional
962 ATTN	Customer Notification	✓	✓	✓	✓	✓
963 SPORTS	AT&T U-verse Sports	✓	✓	✓	✓	✓
964 UVSHOW	U-verse Showcase	✓	✓	✓	✓	✓
1000 BUZZ	HD AT&T U-verse Buzz	✓	Optional	Optional	Optional	Optional

**EXHIBIT D**

**Section 76.907(c) Response From AT&T Services Inc.**

**REDACTED**

REDACTED VERSION – DOES NOT CONTAIN PROPRIETARY INFORMATION – FOR PUBLIC INSPECTION

**EXHIBIT E**

**2010 Census Household Population**

GCT-PL2 - Indiana: Population and  
Housing Occupancy Status: 2010 - State --  
Place

2010 Census Redistricting Data (Public

NOTE: For information on confidentiality protection, nonsampling error, and definitions, see  
<http://www.census.gov/prod/cen2010/pl94-171.pdf>

NOTE: Change to the California, Connecticut, Mississippi, New Hampshire, Virginia, and Washington P. L. 94-171 Summary Files as delivered.

Geographic area	Total	Housing units		
		Total	Occupied	Vacant
Crothersville town	1,591	722	625	97
Jeffersonville city	44,953	19,991	18,580	1,411

**CERTIFICATE OF SERVICE**

I, Glenda Thompson, a secretary at the law firm of Edwards Wildman Palmer LLP, hereby certify that, on this 20th day of November, 2013, copies of the foregoing "Petition for Special Relief" were sent via first-class mail, postage prepaid, to the following:

William Lake, Esq.\*  
Chief, Media Bureau  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Pantelis Michalopoulos, Esq.  
Steptoe & Johnson LLP  
1330 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
*Counsel for EchoStar Communications Corp.*

Mayor Mike Moore  
City of Jeffersonville  
City Hall, Suite 250  
500 Quartermaster Court  
Jeffersonville, IN 47130

William M. Wiltshire, Esq.  
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Timothy A. Whitley  
General Attorney  
AT&T Services Inc.  
208 S. Akard  
Dallas, TX 75202

Crothersville, Town of  
Michele Teipen, Clerk  
201 South Preston Street  
Crothersville, IN 47229

\*Via ECFS



Glenda V. Thompson

**Online Payment****Step 3: Confirm Payment**

1 | 2 | 3

**Thank you.**  
**Your transaction has been successfully completed.**

**Pay.gov Tracking Information****Application Name:** Remittance Advice**Pay.gov Tracking ID:** 25D7JIKM**Agency Tracking ID:** PGC2418303**Transaction Date and Time:** 11/20/2013 15:08 EST**Payment Summary****Address Information****Account Holder:** Robert C.  
**Name:** McGowan**Billing Address:** 20 Church Street**Billing Address 2:****City:** Hartford**State / Province:** CT**Zip / Postal Code:** 06103**Country:** USA**Account Information****Card Type:** Visa  
**Card Number:** \*\*\*\* \* \* \* \* 9545**Payment Information****Payment Amount:** \$1,355.00**Transaction Date and Time:** 11/20/2013 15:08 EST<https://www.pay.gov/paygov/payments/authorizePlasticCardPayment.html>

11/20/2013

# Agency Tracking ID:PGC2418303 Authorization Number:05578G

## Successful Authorization -- Date Paid: 11/20/13 FILE COPY ONLY!!

READ INSTRUCTIONS CAREFULLY BEFORE PROCEEDING  (1) LOCKBOX #979089	FEDERAL COMMUNICATIONS COMMISSION <b>REMITTANCE ADVICE</b> <b>FORM 159</b> PAGE NO 1 OF 1	APPROVED BY OMB 3060-059  SPECIAL USE  FCC USE ONLY	
<b>SECTION A - Payer Information</b>			
(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card) <b>Time Warner Cable Inc.</b>		(3) TOTAL AMOUNT PAID (dollars and cents) <b>\$1355.00</b>	
(4) STREET ADDRESS LINE NO. 1 <b>60 Columbus Circle</b>			
(5) STREET ADDRESS LINE NO. 2			
(6) CITY <b>New York</b>		(7) STATE <b>NY</b>	(8) ZIP CODE <b>10023</b>
(9) DAYTIME TELEPHONE NUMBER (INCLUDING AREA CODE) <b>212-3648482</b>		(10) COUNTRY CODE (IF NOT IN U.S.A.) <b>US</b>	
<b>FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED</b>			
(11) PAYER (FRN) <b>0007556251</b>		(12) FCC USE ONLY	
<b>IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)</b>			
(13) APPLICANT NAME <b>Time Warner Cable Inc.</b>			
(14) STREET ADDRESS LINE NO. 1 <b>60 Columbus Circle</b>			
(15) STREET ADDRESS LINE NO. 2			
(16) CITY <b>New York</b>		(17) STATE <b>NY</b>	(18) ZIP CODE <b>10023</b>
(19) DAYTIME TELEPHONE NUMBER (INCLUDING AREA CODE) <b>212-3648482</b>		(20) COUNTRY CODE (IF NOT IN U.S.A.) <b>US</b>	
<b>FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED</b>			
(21) APPLICANT (FRN) <b>0007556251</b>		(22) FCC USE ONLY	
<b>COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET</b>			
(23A) FCC Call Sign/Other ID <b>004604</b>		(24A) Payment Type Code(PTC) <b>TQC</b>	(25A) Quantity <b>1</b>
(26A) Fee Due for (PTC) <b>\$1,355.00</b>		(27A) Total Fee <b>\$1355.00</b>	FCC Use Only
(28A) FCC CODE 1 <b>X</b>		(29A) FCC CODE 2 <b>X</b>	
(23B) FCC Call Sign/Other ID		(24B) Payment Type Code(PTC)	(25B) Quantity
(26B) Fee Due for (PTC)		(27B) Total Fee	FCC Use Only
(28B) FCC CODE 1		(29B) FCC CODE 2	